

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	Case No. 1:21-cr-113
)	
v.)	Judge Atchley
)	
CHARLES APPLEBERRY)	Magistrate Judge Steger

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 124] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts Six and Eight of the thirteen count Superseding Indictment; (2) accept Defendant's guilty plea to Counts Six and Eight of the thirteen count Superseding Indictment; (3) adjudicate Defendant guilty of attempted possession with intent to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (4) adjudicate Defendant guilty of possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1); and (5) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 124] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Counts Six and Eight of the thirteen count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Counts Six and Eight of the thirteen count Superseding Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of attempted possession with intent to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C);

4. Defendant is hereby **ADJUDGED** guilty of possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1); and
5. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **March 7, 2024, at 10:00 a.m.**

SO ORDERED.

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE